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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,067	04/21/2004	Isaac Lagnado	200313247-1	6812

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EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/829,067	Applicant(s) LAGNADO, ISAAC	
	Examiner BRANDON J. MILLER	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-16,18-21,23-27,29-37,39-52 and 54-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16,18-21,23-25 and 42-51 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,15,26,27,29-34,36,37,39,40,52,55-58 and 60 is/are rejected.
- 7) ☒ Claim(s) 12-14,35,41,54 and 59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

I. In view of the Appellant's Brief filed on 05/27/2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Allowable Subject Matter

II. The following is an examiner's statement of reasons for the indication of allowable subject matter:

Claim 16 recites a method for accessing a wireless network with steps as defined in the specification (pages 3-10) including automatically switching a wireless device to a transmit off mode in response to activation of the wireless device; detecting at least one wireless network within which said wireless device is located while the wireless device is in the transmit off mode; determining whether the at least one wireless network is on a list of requested wireless networks; and in response to a determination that the at least one wireless network is on the list of

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requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode.

The prior art teaches accessing a wireless network by detecting at least one wireless network within which said wireless device is located while the wireless device is in the transmit off mode; determining whether the at least one wireless network is on a list of requested wireless networks; and in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode.

However, applicant's independent claim 16 comprises a particular combination of steps, as recited above, that allows for automatically switching a wireless device to a transmit off mode in response to activation of the wireless device.

This is neither taught nor suggested by the prior art.

Claims 18-21 and 23-25 are allowable based on their dependence on independent claim 16.

Claim 42 recites a system for accessing a wireless network with a structure as defined in the specification (pages 3-10) including a wireless device; and application logic operatively associated with the wireless device, the application logic adapted to selectively switch the wireless device between a transmit on mode and a transmit off mode based on an identification of at least one wireless network, the application further configured to determine whether the at least one wireless network is on a list of requested wireless networks, the application logic further configured to, in response to a determination that the at least one wireless network is on

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the list of requested wireless networks, switch the wireless device from the transmit off mode to the transmit on mode.

The prior art teaches accessing a wireless network by detecting at least one wireless network within which said wireless device is located; determining whether the at least one wireless network is on a list of requested wireless networks; and in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode.

However, applicant's independent claim 42 comprises a particular combination of elements, as recited above, that allows for application logic operatively associated with the wireless device, the application logic adapted to selectively switch the wireless device between a transmit on mode and a transmit off mode based on an identification of at least one wireless network.

This is neither taught nor suggested by the prior art.

Claims 43-51 are allowable based on their dependence on independent claim 42.

Claims 12-14, 35, 41, 54, and 59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

III. Claim 57 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 57 recites the limitation "the list" in lines 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. Claims 1-3, 5-11, 15, 26-27, 29-34, 36-37, 39-40, 52, 55-58, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundar et al. (US 2003/0134650 A1) in view of Krantz et al. (US 7,340,615 B2) and Nurminen et al. (US 2005/0136837 A1).

Regarding claim 1 Sundar teaches a method for accessing a wireless network (see paragraph [0058]). Sundar teaches detecting at least one wireless network within which a wireless device is located while the wireless device is in passive scanning mode (see paragraphs [0056] & [0058]). Sundar teaches determining whether the at least one wireless network is on a

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list of requested wireless networks (see paragraph [0058]). Sundar teaches determining whether the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Sundar teaches in response to a determination that the at least one wireless network is on the list of requested wireless networks transmitting an access request to the at least one wireless network (see paragraphs [0058] & [0059]).

Sundar does not specifically teach turning the transmitter off in the passive scanning mode.

However, Krantz teaches that the transmitter can be turned off while performing passive scanning (see col. 14, lines 23-25 & 28-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the passive scanning in Sundar to include turning the transmitter off when performing passive scanning as taught in Krantz because this would allow for power to be conserved at the wireless device (see Krantz, col. 4, lines 40-42 and col. 14, lines 23-25).

Still the Sundar and Krantz combination does not specifically switching the wireless device from a transmit off mode to a transmit on mode in response to a determination that the at least one wireless network is on the list of requested wireless networks.

However, Nurminen teaches the capability of selectively switching a transmitter off or on (see paragraph [0109]).

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the Sundar and Krantz combination adapt to include switching the wireless device from the passive scan (transmit off) mode to a transmit on mode in response to a determination that the at least one wireless network is on the list of requested wireless networks

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because Sundar does teach making a determination that the at least one wireless network is on the list of requested wireless networks while in a passive scan (transmit off) mode (see Sundar, paragraphs [0056] & [0058]) and switching the transmitter on, as taught in Nurminen, from the passive scan (transmit off) mode when the determination is made would allow for the device in Sundar to properly request access to the determined at least one wireless network.

Regarding claim 2 Sundar teaches wherein detecting comprises receiving at least one beacon frame from the at least one wireless network (see paragraphs [0056] & [0058]).

Regarding claim 3 Sundar, Krantz, and Nurminen teach a device as recited in claim 1 except for switching the wireless device to a transmit on mode and transmitting an access request to the at least one wireless network in response to determining that the at least one wireless network is on the list of requested wireless networks. Sundar does teach transmitting an access request to the at least one wireless network in response to determining that the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Nurminen does teach the capability of selectively switching a transmitter off or on (see paragraph [0109]).

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the combination adapt to include switching the wireless device from the passive scan (transmit off) mode to a transmit on mode in response to a determination that the at least one wireless network is on the list of requested wireless networks because Sundar does teach making a determination that the at least one wireless network is on the list of requested wireless networks while in a passive scan (transmit off) mode (see Sundar, paragraphs [0056] & [0058]) and switching the transmitter on, as taught in Nurminen, from the passive scan

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(transmit off) mode when the determination is made would allow for the device in Sundar to properly request access to the determined at least one wireless network.

Regarding claim 5 Sundar teaches creating a scan list of wireless networks within which the wireless device is located (see paragraph [0059]).

Regarding claim 6 Sundar teaches wherein the scan list comprises an identifier of the at least one wireless network (see paragraphs [0059]).

Regarding claim 7 Sundar teaches wherein the scan list comprises an identifier having a service set identifier (SSID) (see paragraphs [0059]).

Regarding claim 8 Sundar teaches the scan list comprising a set of attributes of the at least one wireless network (see paragraph [0059]).

Regarding claim 9 Sundar teaches comparing a set of attributes of a scan list associated with the at least one wireless network with a set of attributes in the list of requested wireless networks (see paragraph [0059]).

Regarding claim 10 Sundar teaches wherein determining whether the at least one wireless network is on the list of requested wireless networks comprises comparing a scan list associated with the list of requested wireless networks to (see paragraph [0059]).

Regarding claim 11 Sundar teaches determining whether the at least one wireless network is a wireless network whose identifier is unknown (see paragraph [0059]).

Regarding claim 15 Sundar teaches at least one wireless local area network within which the wireless device is located (see paragraph [0058]).

Regarding claim 26 Sundar teaches a system for accessing a wireless network (see paragraph [0058]). Sundar teaches a wireless device; and logic for detecting at least one wireless

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network within which a wireless device is located while the wireless device is in passive scanning mode (see paragraphs [0056] & [0058]). Sundar teaches determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]). Sundar teaches determining whether the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Sundar teaches in response to a determination that the at least one wireless network is on the list of requested wireless networks transmitting an access request to the at least one wireless network (see paragraphs [0058] & [0059]).

Sundar does not specifically teach application logic associated with the wireless device and adapted to switch the transmitter off in the passive scanning mode.

However, Krantz teaches that the transmitter can be switched off while performing passive scanning (see col. 14, lines 23-25 & 28-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the passive scanning in Sundar to include switching the transmitter off when performing passive scanning as taught in Krantz because this would allow for power to be conserved at the wireless device (see Krantz, col. 4, lines 40-42 and col. 14, lines 23-25).

Still the Sundar and Krantz combination does not specifically switching the wireless device from a transmit off mode to a transmit on mode in response to a determination that the at least one wireless network is on the list of requested wireless networks.

However, Nurminen teaches the capability of selectively switching a transmitter off or on (see paragraph [0109]).

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the Sundar and Krantz combination adapt to include switching the

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wireless device from the passive scan (transmit off) mode to a transmit on mode in response to a determination that the at least one wireless network is on the list of requested wireless networks because Sundar does teach making a determination that the at least one wireless network is on the list of requested wireless networks while in a passive scan (transmit off) mode (see Sundar, paragraphs [0056] & [0058]) and switching the transmitter on, as taught in Nurminen, from the passive scan (transmit off) mode when the determination is made would allow for the device in Sundar to properly request access to the determined at least one wireless network.

Regarding claim 27 Sundar teaches determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]).

Regarding claim 29 Sundar, Krantz, and Nurminen teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 30 Sundar, Krantz, and Nurminen teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 31 Sundar, Krantz, and Nurminen teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 32 Sundar, Krantz, and Nurminen teach a device as recited in claim 8 and is rejected given the same reasoning as above.

Regarding claim 33 Sundar, Krantz, and Nurminen teach a device as recited in claim 10 and is rejected given the same reasoning as above.

Regarding claim 34 Sundar, Krantz, and Nurminen teach a device as recited in claim 11 and is rejected given the same reasoning as above.

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Regarding claim 36 Sundar, Krantz, and Nurminen teach a device as recited in claim 15 and is rejected given the same reasoning as above.

Regarding claim 37 Sundar teaches a system for accessing a wireless network (see paragraph [0058]). Sundar teaches detecting at least one wireless network within which a wireless device is located while the wireless device is in passive scanning mode (see paragraphs [0056] & [0058]). Sundar teaches determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]). Sundar teaches determining whether the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Sundar teaches in response to a determination that the at least one wireless network is on the list of requested wireless networks transmitting an access request to the at least one wireless network (see paragraphs [0058] & [0059]).

Sundar does not specifically teach switching the wireless device transmitter off in the passive scanning mode.

However, Krantz teaches that the wireless device transmitter can be switched off while performing passive scanning (see col. 14, lines 23-25 & 28-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the passive scanning in Sundar to include switching the wireless device transmitter off when performing passive scanning as taught in Krantz because this would allow for power to be conserved at the wireless device (see Krantz, col. 4, lines 40-42 and col. 14, lines 23-25).

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Still the Sundar and Krantz combination does not specifically switching the wireless device from a transmit off mode to a transmit on mode in response to a determination that the at least one wireless network is on the list of requested wireless networks.

However, Nurminen teaches the capability of selectively switching a transmitter off or on (see paragraph [0109]).

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the Sundar and Krantz combination adapt to include switching the wireless device from the passive scan (transmit off) mode to a transmit on mode in response to a determination that the at least one wireless network is on the list of requested wireless networks because Sundar does teach making a determination that the at least one wireless network is on the list of requested wireless networks while in a passive scan (transmit off) mode (see Sundar, paragraphs [0056] & [0058]) and switching the transmitter on, as taught in Nurminen, from the passive scan (transmit off) mode when the determination is made would allow for the device in Sundar to properly request access to the determined at least one wireless network.

Regarding claim 39 Sundar determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]).

Regarding claim 40 Sundar, Krantz, and Nurminen a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 52 Sundar teaches a method for accessing a wireless network (see paragraph [0058]). Sundar teaches automatically detecting at least one wireless network within which a wireless device is located while the wireless device is on and in passive scanning mode (see paragraphs [0056] & [0058]). Sundar teaches determining whether the at least one wireless

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network is on a list of requested wireless networks (see paragraph [0058]). Sundar teaches determining whether the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Sundar teaches in response to a determination that the at least one wireless network is on the list of requested wireless networks transmitting an access request to the at least one wireless network (see paragraphs [0058] & [0059]).

Sundar does not specifically teach turning the transmitter off in the passive scanning mode.

However, Krantz teaches that the transmitter can be turned off while performing passive scanning (see col. 14, lines 23-25 & 28-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the passive scanning in Sundar to include turning the transmitter off when performing passive scanning as taught in Krantz because this would allow for power to be conserved at the wireless device (see Krantz, col. 4, lines 40-42 and col. 14, lines 23-25).

Still the Sundar and Krantz combination does not specifically switching the wireless device from a transmit off mode to a transmit on mode in response to a determination that the at least one wireless network is on the list of requested wireless networks.

However, Nurminen teaches the capability of selectively switching a transmitter off or on (see paragraph [0109]).

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the Sundar and Krantz combination adapt to include switching the wireless device from the passive scan (transmit off) mode to a transmit on mode in response to a determination that the at least one wireless network is on the list of requested wireless networks

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because Sundar does teach making a determination that the at least one wireless network is on the list of requested wireless networks while in a passive scan (transmit off) mode (see Sundar, paragraphs [0056] & [0058]) and switching the transmitter on, as taught in Nurminen, from the passive scan (transmit off) mode when the determination is made would allow for the device in Sundar to properly request access to the determined at least one wireless network.

Regarding claim 55 Sundar, Krantz, and Nurminen teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 56 Sundar, Krantz, and Nurminen teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 57 Sundar teaches a system for accessing a wireless network (see paragraph [0058]). Sundar teaches a wireless device; and logic for automatically detecting at least one wireless network within which a wireless device is located while the wireless device is on and in a passive scanning mode (see paragraphs [0056] & [0058]). Sundar teaches determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]). Sundar teaches determining whether the at least one wireless network is on the list of requested wireless networks (see paragraph [0058]). Sundar teaches in response to a determination that the at least one wireless network is on the list of requested wireless networks transmitting an access request to the at least one wireless network (see paragraphs [0058] & [0059]).

Sundar does not specifically teach application logic associated with the wireless device and adapted to switch the transmitter off in the passive scanning mode.

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However, Krantz teaches that the transmitter can be switched off while performing passive scanning (see col. 14, lines 23-25 & 28-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the passive scanning in Sundar to include switching the transmitter off when performing passive scanning as taught in Krantz because this would allow for power to be conserved at the wireless device (see Krantz, col. 4, lines 40-42 and col. 14, lines 23-25).

Still the Sundar and Krantz combination does not specifically switching the wireless device from a transmit off mode to a transmit on mode in response to a determination that the at least one wireless network is on the list of requested wireless networks.

However, Nurminen teaches the capability of selectively switching a transmitter off or on (see paragraph [0109]).

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to make the Sundar and Krantz combination adapt to include switching the wireless device from the passive scan (transmit off) mode to a transmit on mode in response to a determination that the at least one wireless network is on the list of requested wireless networks because Sundar does teach making a determination that the at least one wireless network is on the list of requested wireless networks while in a passive scan (transmit off) mode (see Sundar, paragraphs [0056] & [0058]) and switching the transmitter on, as taught in Nurminen, from the passive scan (transmit off) mode when the determination is made would allow for the device in Sundar to properly request access to the determined at least one wireless network.

Regarding claim 58 Sundar teaches automatically determining whether the at least one wireless network is on a list of requested wireless networks (see paragraph [0058]).

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Regarding claim 60 Sundar, Krantz, and Nurminen teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Claim Objections

V. Claim 1 is objected to because of the following informalities: Claim 1 recites “determining whether the at least one wireless network is on a list of requested wireless networks; determining whether the at least one wireless network is on the list of requested wireless networks” in lines 4-7. This appears to be a typographical error. Appropriate correction is required.

Response to Arguments

VI. Applicant's arguments with respect to claims 1-3, 5-11, 15, 26-27, 29-34, 36-37, 39-40, 52, 55-58, and 60 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

VII. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alone et al. Pub. No.: US 2004/0110530 A1 discloses a wireless network connection system and method.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON J. MILLER whose telephone number is (571)272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Brandon J Miller/
Examiner, Art Unit 2617

August 20, 2009